ABSENT UNIFORMED SERVICES BRIEF

26 AUGUST 2010

Absent- Uniformed Services (AUS)

- Status upon entry into Active Duty (the 1st day of the start of the military order)
  - Placed in Absent- US

    OR
  - Separated from employment with USERRA rights (Separation-US)

New Absent-US NOAC

- NOAC- 473 Absent Unformed Services
- Effective March 28, 2010 by the Office of Personnel Management

- Also commonly referred to as:
  - Military LWOP
  - LWOP- MIL
  - Military Furlough

What is Absent-US

- Employee is absent (whether in PAY or NONPAY status) to perform duty with the uniformed services and has reemployment rights under USERRA- 38 U.S.C. Chapter 43

Absent- US

- You may use the following paid Leave while in Absent- US (5 C.F.R. 353.208)
  - Accrued annual leave under 5 U.S.C. 6304
  - Military leave under 5 U.S.C. 6323
  - Compensatory Time for Travel 5 U.S.C. 5550b
  - Sick Leave under 5 U.S.C. 6307 (if appropriate under such service)

Absent- US

- Compensatory Time for Travel
  - Time Card Code- CB (when earned)
    - You may earn compensatory time for time spent traveling to and from TDY location.
    - Travel must be officially authorized, must be for work purposes, and must be approved by authorized agency official.
  - Time Card Code- CF (when used)

Absent- US

- If paid leave is used while in Absent- US and
  - FEHB is retained, premiums deductions will still occur
  - FEGLI deductions will still occur
  - TSP and all other deductions will still occur
- **Technicians MUST keep copies of both civilian and military LES's in order to not be charged for the whole period of Absent- US upon RTD**
  - Any Paid Leave while on AUS will need to be "backed-out" of the calculations for military service deposits.

Absent- US

- RESERVIST DIFFERENTIAL (Public Law 111-8 dated 11 Mar 2009)
  - Non Reduction in pay while federal employee performing active service in the Uniformed Services or National Guard effective 3/15/09
    - Has USERRA rights under title 10
    - Pay differential between Civilian and Military compensation
    - Effective 1st pay period after 11 Mar 2009
    - Some Common Authorities Not Qualified for RD
      - 10 USC 10147
      - 10 USC 12301 (b)
      - 10 USC 12301 (d)

Absent- US

- Federal Employees HEALTH benefits (FEHB)
  - Employees must elect to terminate or continue FEHB coverage during the military service period.

Absent- US

- If FEHB is retained in a CONTINGENCY OPERATION
  - Premiums paid by agency for up to 24 months
  - To receive FEHB coverage at no cost, must be
    - ENROLLED
    - Reserve Component Member in a non-pay status
    - Called to duty in support of contingency operation (10 USC Section 101(a) (13))
    - On Absent-US or Separation- US
    - On active duty for more then 30 consecutive days

Absent- US

- If FEHB is terminated
  - Dates for termination are determined by the employees circumstance and election
  - Termination is not a break in continuity of coverage for the purpose of eligibility to continue coverage as an annuitant
    - Is not a cancellation
  - When coverage is terminated, employee has 31 day extension of coverage
  - Can Reinstate FEHB upon Return to Duty

Absent- US

- Federal Employees Group Life Insurance
  - Continues at no cost to the employee for up to 12 months in Absent-US status if in non-pay status
  - Options:
    - Terminate at the end of the 12 months of free coverage

      OR
    - Retain or Reduce Optional Coverage after the 12 months-
      - Premium Payments are required for both agency and employee shares

Absent- US

- NGAUS Insurance
  - Life insurance premiums may be paid directly to NGAUS
  - Disability coverage and premiums are suspended if on order more then 30 consecutive days of Absent- US
  - Contact NGAUS Insurance Trust for questions and requests for material

Absent- US

- Flexible Spending Account (FSA)
  - Options available such as the “Heart Act QRD”
- Federal Employees Dental/ Vision Insurance Program (FEDVIP)
  - Make Direct Payments
- Federal Long Term Care
  - Make direct payments or deducted from military pay

Absent- US

- Thrift Savings Account
  - TSP Fact Sheet on Effect of NonPay Status and Benefits that apply upon RTD and FAQs
  - Encourage Military TSP contributions
  - If you have a TSP Loan:
    - Fill out a TSP-41
    - This will suspend your loan payments until RTD
    - You may still make direct payments to TSP

Recommendations to Employees

- Keep all military and civilian LES’s
- Participate in military TSP (enroll via MyPay)
- Review Designations of Beneficiaries
- Make arrangements for Garnishments and Allotments if entering into a non-pay status

NOA 292- Return to Duty

- From Absent- Uniformed Services
  - Effective the first day of duty following order end date, date of Request for Restoration, or Return to Duty while on Terminal Leave.
  - Exception: A technician cannot return to their Federal Tech Job while they are on PDMRA nor can they be on paid leave while on PDMRA (

Return to Duty (RTD)

- Must submit an SF 52 through your supervisor with effective date of return
- Supervisor must submit SF 52 to the HRO

FAILURE TO SUBMIT SF 52 PRIOR TO RETURN TO DUTY WILL CAUSE THE TECHNICIAN NOT TO BE PROCESSED FOR PAY. NEW NOAC WILL REJECT TIME CARD ACTION FOR REGULAR PAY IF NOT PROPERLY RETURNED TO DUTY!

RTD

- Under USERRA, employees who are on orders
  - 30 days or less, NLT the beginning of the first full regularly scheduled work period following end of order
  - 30-181 days, NLT 14 days from end of military order
  - 180 days or more- NLT 90 days

RTD

- FEGLI
  - Less then 12 months= Premiums automatically restart
  - More then 12 months and terminated= Reinstate previous coverage
- FSA/LTC/ FEDVIP
  - Premiums reinstated automatically upon RTD
  - Employees have 60 days following RTD to make Qualifying Event/ Open Season elections
- NGAUS
  - Premiums reinstated

RTD

- FEHB
  - Retained while on Active Duty with agency paying premiums
  - Terminated Policy
    - Reinstate FEHB immediately upon RTD
    - OR
    - Waive reinstatement to use transitional TRICARE
      - DOD TEMP provides up to 180 days of health care benefits upon separation from Active Duty (BAL 05-402)

RTD

- FEHB Qualifying Life Event
  - If you are not enrolled in FEHB, RTD permits enrollment
  - If enrollment is immediately reinstated, permits change in enrollment plan
  - When Transitional Tricare Expires, loss of TRICARE permits enrollment change or new enrollment within 60 days

RTD

- FEHB 5 yr requirement for retirement
  - Considered to have continuous coverage if:
    - Terminated enrollment is reinstated immediately uon reemployment OR
    - Immediate reinstatement was waived, at employee's request, to use Transitional TRICARE and reinstated prior to retirement

RTD

- TSP
  - Loan payments reinstated automatically with TSP 41
  - Make up missed contributions
  - Automatic 1% contributions for all FERS employees
  - Matching 4%-Can get if paid into Military TSP (must have all military LES’s as proof of TSP payment)

RTD

- Leave
  - 5 Days of Presidential Leave
    - To be used immediately upon RTD, code “LV”
    - Contingency over 42 continuous days or more
    - May be used if RTD while in terminal leave status
      - OPM Memo CPM 2003-14 and CPM 2008-12
  - Post Deployment/ Mobilization Respite Absence (PDMRA)
    - Military administrative absence returning after 19 Jan 07
    - Federal, State, or Local Government civilian employees cannot use leave or be present for and receive their civilian pay and PDMRA
    - Constitutes Dual Compensation

RTD

- Leave
  - ANG Downtime (Reconstitution Leave) is not considered terminal leave; therefore, you cannot Return to Duty while in ANG Downtime Status

RTD

- Military Deposits
  - Due to new NOAC 473, the technician must show civilian LES’s to determine pay and non-pay status. Calculation for deposit will be determined using your non-pay time when no money was put into the retirement account

QUESTIONS?